

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION) MDL 2804
THIS DOCUMENT RELATES TO:) Case No. 1:17-md-2804
All Cases Naming Sandoz Inc., Novartis Pharmaceuticals Corporation, and/or Their Affiliates as Defendant(s)) Judge Dan Aaron Polster

SUBMISSION BY SANDOZ INC., NOVARTIS PHARMACEUTICALS CORPORATION, AND AFFILIATES

Defendants Sandoz Inc. (“Sandoz”) and Novartis Pharmaceuticals Corporation (“NPC”) and their corporate affiliates (collectively “Sandoz and Novartis Entities”),¹ by and through their undersigned counsel, hereby give notice to the Court and parties that they have this day submitted the attached Exhibit A, listing cases in which plaintiff political subdivisions naming one or more of the Sandoz and Novartis Entities as defendants did not timely serve a Plaintiff Fact Sheet (“PFS”) to the PFS Repository on or before December 12, 2022.² The Sandoz and Novartis Entities

¹ As Sandoz Inc. has made Plaintiffs and the Court aware, defendants Novartis Pharmaceuticals Corporation, Novartis Corporation, Novartis Manufacturing, LLC, Novartis Institutes for Biomedical Research, Inc. and Novartis AG, as well as Sandoz International GmbH, are inappropriately named in these cases because they have no involvement with Sandoz Inc.’s sale of generic fentanyl, oxycodone or methadone products in the United States. Nevertheless, these improperly named defendants provide herewith their list of cases filed against them in which there was not timely service of process and/or in which a Plaintiff Fact Sheet was not timely received.

² On October 6, 2022, the Court ordered political subdivision plaintiffs to upload a Plaintiff Fact Sheet for each case to a central repository to which Defendants would have access. See Order Regarding Re-Service of Plaintiff Fact Sheets, Dkt. No. 4664 (“all governmental plaintiffs to re-service their PFS...no later than Friday October 14, 2022”). Despite this Order, hundreds of PFSes were uploaded to the repository well after October 14, 2022. At the December 12, 2022 status conference, the Court announced it would dismiss without prejudice any case in which a political subdivision Plaintiff failed to upload a PFS. As a result, the Sandoz and Novartis entities have used December 12, 2022 as the date after which any PFS is plainly untimely and dismissal is appropriate. Nevertheless, certain Plaintiffs continue -- even after the Court’s January 3, 2023

also give notice and submit herewith as Exhibits B-E, lists of cases brought by political subdivision plaintiffs in which Sandoz Inc. (Ex. B), Novartis Pharmaceuticals Corporation (Ex. C), Sandoz International GmbH (Ex. D) and/or Novartis AG (Ex. E) were named but were not timely served with process.

The Sandoz and Novartis Entities have prepared this list to the best of their knowledge based on a reasonable investigation and the information available to them at this time. In listing or submitting a case on any of the lists attached as Exhibits A-E, the Sandoz and Novartis entities do not concede that they are or were appropriate defendants in said actions or that they would be had service been effected timely and/or a Plaintiff Fact Sheet been timely provided into the repository. In certain instances, cases listed on Exhibits B-E were the subject of attempted service that was rejected by the Sandoz and Novartis entities for procedural defects, with prompt notice to the Plaintiff attempting service. The Sandoz and Novartis Entities expressly preserve and do not waive their individual rights, reservations, defenses, objections, arguments, and remedies, including as to personal jurisdiction, service of process, international service requirements, corporate separateness, and lack of involvement in the U.S. opioids market. Any failure to list a case in which service is untimely or was ineffective, or has not occurred, is inadvertent and not intended to waive any rights, including grounds for dismissal. Despite diligent searches, the Sandoz and Novartis Entities may not have notice of all cases filed against them if there has been no service.

Further, per the Court's direction, these submissions are limited to cases brought by plaintiff political subdivisions and do not include failures of service or lack of a PFS in cases brought by other plaintiff types not encompassed in the Court's January 3, 2023 Order. This list

Order -- to belatedly upload PFS documents, and their failure to comply with the Court's October 6, 2022 Order should not be rewarded by using a later date cutoff for timely production of a PFS.

also does not include Plaintiff Fact Sheets that were potentially timely but contain material deficiencies that have not been cured, and the Sandoz and Novartis entities reserve the right to make the Court aware of uncured deficiencies and to seek appropriate relief at a later time.

.Dated: January 30, 2023

Respectfully submitted,

/s/ Sara K. Thompson

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 30, 2023, the foregoing was filed using the Court's CM/ECF filing system and will be served via the Court's CM/ECF filing system on all attorneys of record.

Dated: January 30, 2023

Respectfully submitted,

/s/ Sara K. Thompson

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